

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

20 MAY 11 AM 8:26
CLERK 
SO. DIST. OF GA.

IN RE: MATTER OF
CERTAIN PENDING ADMINISTRATIVE
FORFEITURE PROCEEDINGS

CASE NO. MC120-010

**ORDER EXTENDING CERTAIN STATUTORY DEADLINES FOR
ADMINISTRATIVE AND CIVIL JUDICIAL ASSET FORFEITURE
PROCEEDINGS AND ACTIONS**

WHEREAS, pursuant to 18 U.S.C § 983(a)(1)(C) and (a)(3)(A), the United States has moved the Court for a 60-day blanket extension of the statutory deadlines by which the United States is required to (1) provide notice of administrative forfeiture proceedings against seized property; and (2) commence civil judicial forfeiture actions following submission of timely administrative claims;

WHEREAS, on March 16, 2020, in *In re: Court Operations Under the Exigent Circumstances Created by COVID-19 & Related Coronavirus*, this Court issued General Order 20-01 recognizing the declarations of a national emergency and the State of Georgia health emergency, and further noting that “[s]ignificant actions taken to date in response to the threat include the cancellation of essentially all events involving large gatherings of people, the closing of public and private schools, colleges and universities, and the conversion of business and government operations to telework platforms.” The Court also ordered that certain procedures would be followed for 30 days “[i]n recognition of the number of identified and projected cases of COVID-19 in this District, the preventative measures being implemented

throughout the District, and the severity of risk posed to the Court, its Bar, and to the public,” including, among other things, continuing all civil and criminal jury trials and grand jury proceedings. *See* General Order 20-01;

WHEREAS, on March 30, 2020, this Court issued Amended General Order 20-01 to extend the specified 30-day time periods specified in the original General Order 20-01 until May 15, 2020, because, in part, “[t]he exigent circumstances identified in General Order 20-01 hav[e] worsened with many citizens within the Southern District of Georgia now being under state and local government shelter in place instructions;”

WHEREAS, on April 2 and April 8, 2020, the Governor of Georgia issued Executive Orders requiring all residents and visitors of the State of Georgia to practice social distancing and to shelter in place until at least April 30, 2020;

WHEREAS, based on the United States’ motion and the supporting certifications of supervisory officials of the Drug Enforcement Administration (“DEA”), the Bureau of Alcohol, Tobacco, Firearms & Explosives (“ATF”); The Federal Bureau of Investigation (“FBI”); Customs and Border Protection (“CBP”), which is responsible for processing seizures by Homeland Security Investigations and U.S Border Patrol; U.S Secret Service (“USSS”), and Internal Revenue Service – Criminal Investigations (“IRS-CI”), the Court finds that continued operation of the administrative forfeiture programs of DEA, ATF, FBI, DBP, USSS, IRS-CI, as well as the United States Postal Inspection Service (collectively, “the Agencies”), including their provision of notice of administrative forfeiture to potential claimants and the

receipt and processing of claims for referral for the filing of civil forfeiture actions or inclusion of property in criminal indictments, is likely to endanger the lives or physical safety of numerous individuals, satisfying the requirements of 18 U.S.C. § 983(a)(1)(C) for an extension of administrative forfeiture notice deadlines; and,


WHEREAS, the Court further finds that the danger to life and physical safety constitutes good cause under 18 U.S.C. § 983(a)(3)(A) for an extension of the deadlines for filing of civil forfeiture actions or inclusion of property in criminal indictments.

IT IS HEREBY ORDERED AS FOLLOWS:

1. For all federal seizures of property that occurred in the Southern District of Georgia between February 14, 2020 and April 14, 2020, the deadline established by 18 U.S.C. § 983(a)(1)(A)(i) for the seizing Agency to commence administrative forfeiture proceedings against such property shall be, and hereby is, extended for a period of 60 days, pursuant to 18 U.S.C. § 983(a)(1)(C).
2. For all seizures of property by state or local law enforcement agencies in the Southern District of Georgia that occurred between January 15, 2020 and April 14, 2020, which seizures were or are thereafter adopted by one of the Agencies, the deadline established by 18 U.S.C. § 983(a)(1)(A)(iv) for the adopting Agency to commence administrative forfeiture proceedings against such property shall be, and hereby is, extended for a period of 60 days, pursuant to 18 U.S.C. § 983(a)(1)(C).

3. For any property as to which an Agency executed a 30-day extension of an administrative notice deadline pursuant to 18 U.S.C. § 983(a)(1)(B) and for which the extended deadline is on or after April 14, 2020, the deadline for the sending of the required notice shall be, and hereby is, extended for 60 days from the current deadline, pursuant to 18 U.S.C. § 983(a)(1)(C).
4. For any property as to which an Agency received, or will receive, a timely administrative claim between January 15, 2020 and April 14, 2020, and for which venue for a civil forfeiture action is proper in the Southern District of Georgia, the deadline established by 18 U.S.C. § 983(a)(3)(A) for the filing of a civil forfeiture complaint or inclusion of an asset in a criminal indictment shall be, and hereby is, extended for 60 days from the current deadline, pursuant to 18 U.S.C. § 983(a)(3)(A).

Dated this 11th, day of May, 2020.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

Presented by:

/s/ Xavier A. Cunningham

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